

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALESHIA FULLER,
Plaintiff,

v.

NATIONSTAR MORTGAGE, LLC, et al.,
Defendants.

Case No. [15-cv-03249-MEJ](#)

**ORDER DENYING MOTION TO
RELATE CASES**

Re: Dkt. No. 8

On July 24, 2015, Plaintiff Aleshia Fuller filed a motion to consider whether cases should be related pursuant to Civil Local Rule 3-12. Dkt. No. 8. Plaintiff moves this Court for an Order deeming two later-filed cases, entitled *Lehman XS Trust Mortgage Pass-Through Certificates, Series 2006-11, et al. v. Aleshia Fuller*, Civil Case No. 4:15-cv-03254-VC, and *REO Capital Fund 4, LLC v. Aleshia Fuller*, Civil Case No. 4:15-cv-03252-KAW, both removed on July 13, 2015, related to the instant action. In both cases, Fuller is the sole named Defendant. However, both cases assert only one cause of action for unlawful detainer. An unlawful detainer action, on its face, does not arise under federal law but is purely a creature of California law. *Wells Fargo Bank v. Lapeen*, 2011 WL 2194117, at *3 (N.D. Cal. June 6, 2011); *Wescom Credit Union v. Dudley*, 2010 WL 4916578, at *2 (C.D. Cal. Nov. 22, 2010). Further, whatever Fuller intends to argue in response to this allegation does not give rise to removal jurisdiction. *See Holmes Group v. Vornado Air Circulation Sys., Inc.*, 535 U.S. 826, 831 (2002; *see also Nguyen v. Bui*, 2012 WL 762156, at *2 (N.D. Cal. Feb. 21, 2012) (holding that affirmative defenses based upon Federal Truth in Lending Act and Real Estate Settlement Procedures Act do not confer federal jurisdiction upon state unlawful detainer claim). Thus, as it is likely both cases will be remanded by the presiding judges, the Court declines to relate them at this time. However, should either or both

cases remain in this Court, Plaintiff may file a renewed motion to relate. Accordingly, Plaintiff's motion is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: July 24, 2015



MARIA-ELENA JAMES
United States Magistrate Judge